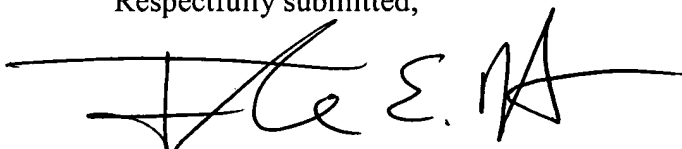


REMARKS

This Request for Continued Examination (RCE) is being filed solely to rejoin claim 40 which depends from linking claim 1. Support for the amendment can be found throughout the specification, the original claims and in the sequence listing. *See, e.g.*, specification at page 5, line 21 through page 6, line 4. Applicants submit that no new matter enters by way of the present amendment, and that no issues requiring further search and consideration are presented as the claim depends from claim 1. The sole claim presented here for consideration of patentability is Claim 40 because the Office has already stated that linking claim 1, as well as claims 2-5, 8-11 and 38-39 are allowable. *See*, Notice of Allowance mailed June 17, 2004.¹ As such, entry of the present amendment is respectfully requested. Upon entry of the foregoing amendment, claims 1-5, 8-11 and 38-40 will be pending.

Applicant submits that as new claim 40 is prima facie allowable, the present application is now in condition for allowance, and notice of such is respectfully requested. The Examiner is encouraged to contact the undersigned should any additional information be necessary for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "T. E. Holsten" followed by a stylized mark, possibly "D. R. Marsh".

Thomas E. Holsten (Reg. No. 46,098)

David R. Marsh (Reg. No. 41,408)

Date: September 17, 2004

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¹ Applicants wish to bring the Examiner's attention to the fact that Applicants elected restriction group I drawn to "a purified nucleic acid molecule" and that restriction group III was drawn to "a transgenic plant, seed and plant produced from seed." Office Communication mailed December 24, 2002; Paper No. 6, page 2.